

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Major Revision to Preliminary Master Plan for Deep Lake PUD (Harvey Slayton and Susan Irelan, applicants)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

**Agenda Date** 7/23/03      **Regular** ☐      **Work Session** ☐      **Briefing** ☐  
**Special Hearing – 6:00** ☒      **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road, per the attached amended development order (Harvey Slayton and Susan Irelan, applicants); or
2. Recommend DENIAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road; or
3. CONTINUE the item to a time and date certain.

District 1 – Maloy

Jeff Hopper-Senior Planner

**BACKGROUND:**

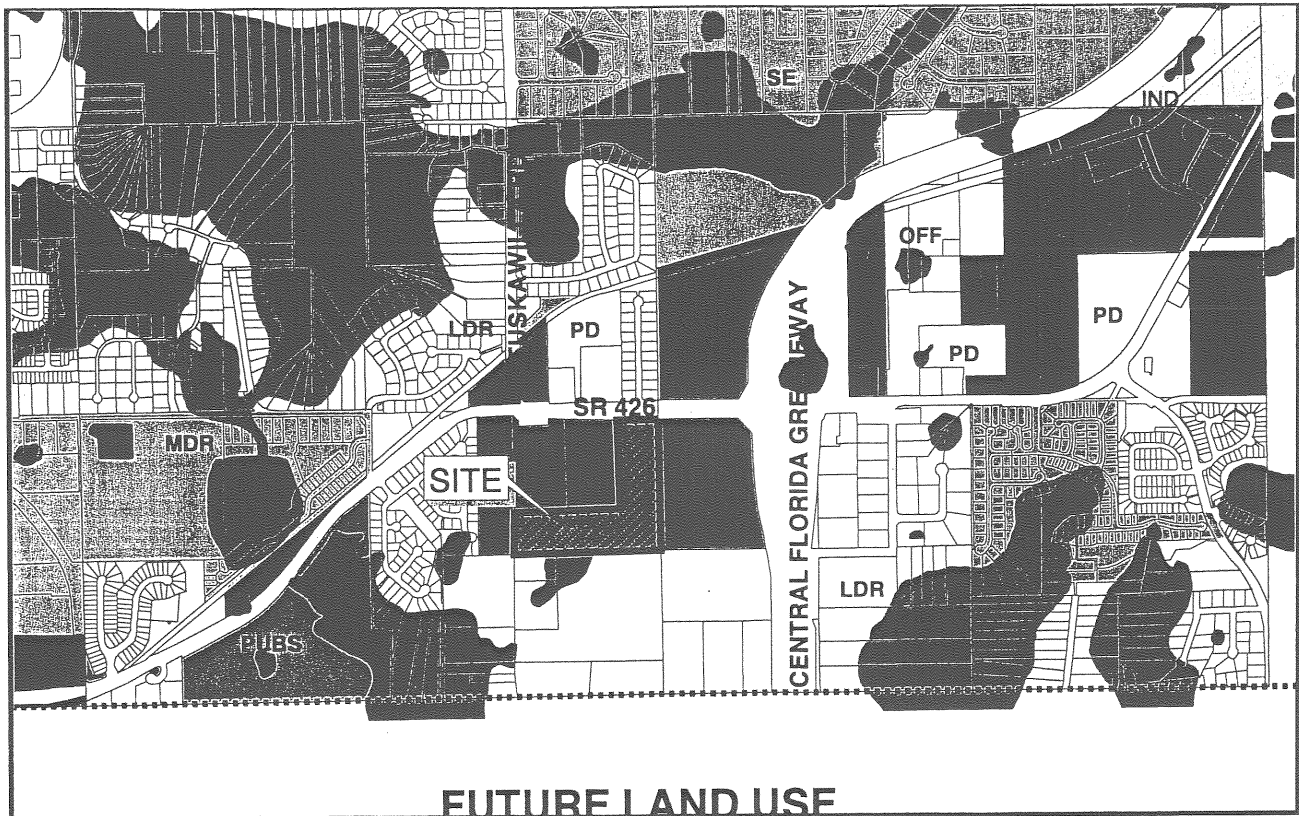
The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April, 2002, and located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves an increase in residential density, a slight reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east.

In revising the preliminary plan, the applicants are proposing an increase in the number of dwelling units from 65 to 129, for a net residential density of approximately 12.4 units per acre. Also,

<b>Reviewed by:</b>	_____
<b>Co Atty:</b>	_____
<b>DFS:</b>	_____
<b>OTHER:</b>	_____
<b>DCM:</b>	_____
<b>CM:</b>	_____
<b>File No.</b> <u>Z2002-008</u>	

commercial/office land use has been reduced from 3 lots totaling 4.41 acres to 2 lots at 3.92 acres. Another significant change is the removal of a 1.65 acre dry retention/open space tract. Retention for Deep Lake would be provided on the site of the South Tuskawilla Property PUD to the south, an adjoining project with the same developer.

Staff has no objection to the new proposal as it is consistent with the HIP land use designation, and preserves all buffers and setbacks approved in the original plan.

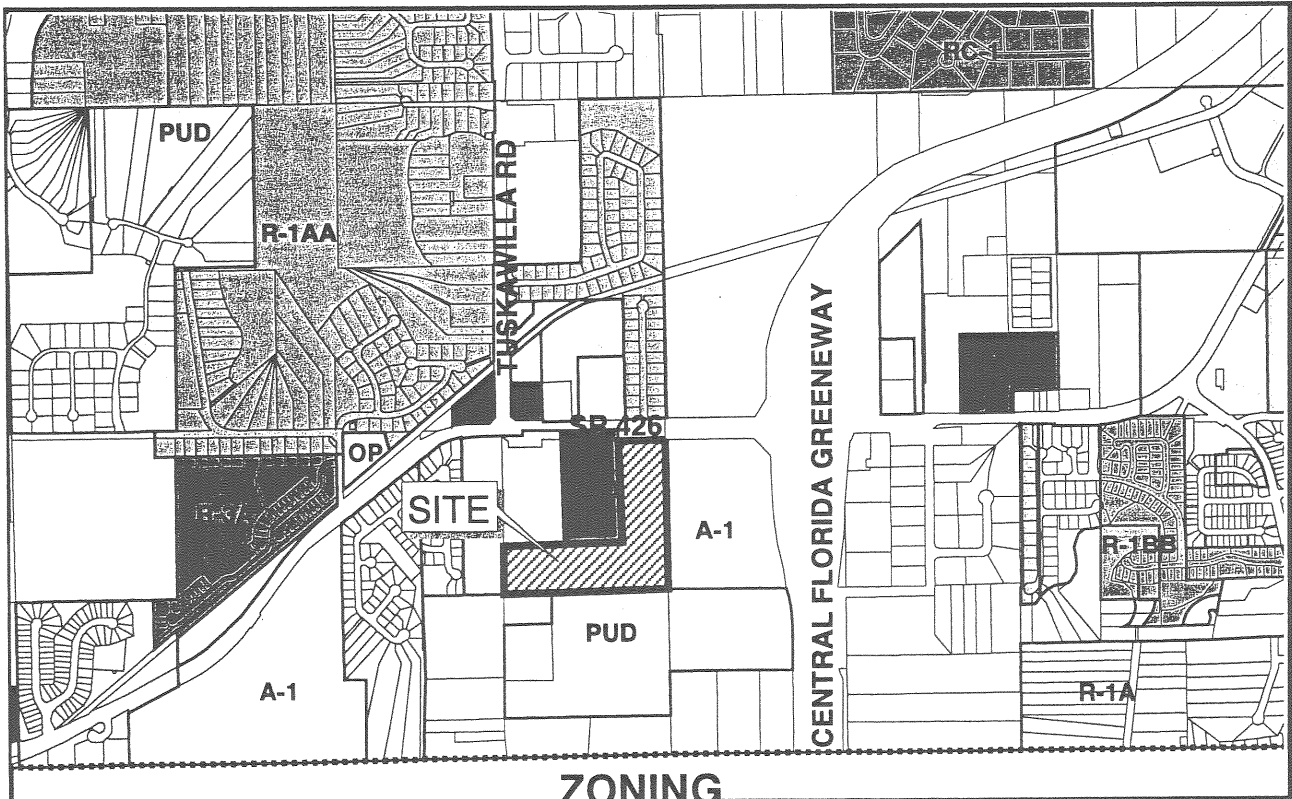


### FUTURE LAND USE

Site 
 ..... Municipality 
  COM 
  LDR 
  HIP 
  SE 
  PD 
  MDR 
  OFF 
  IND

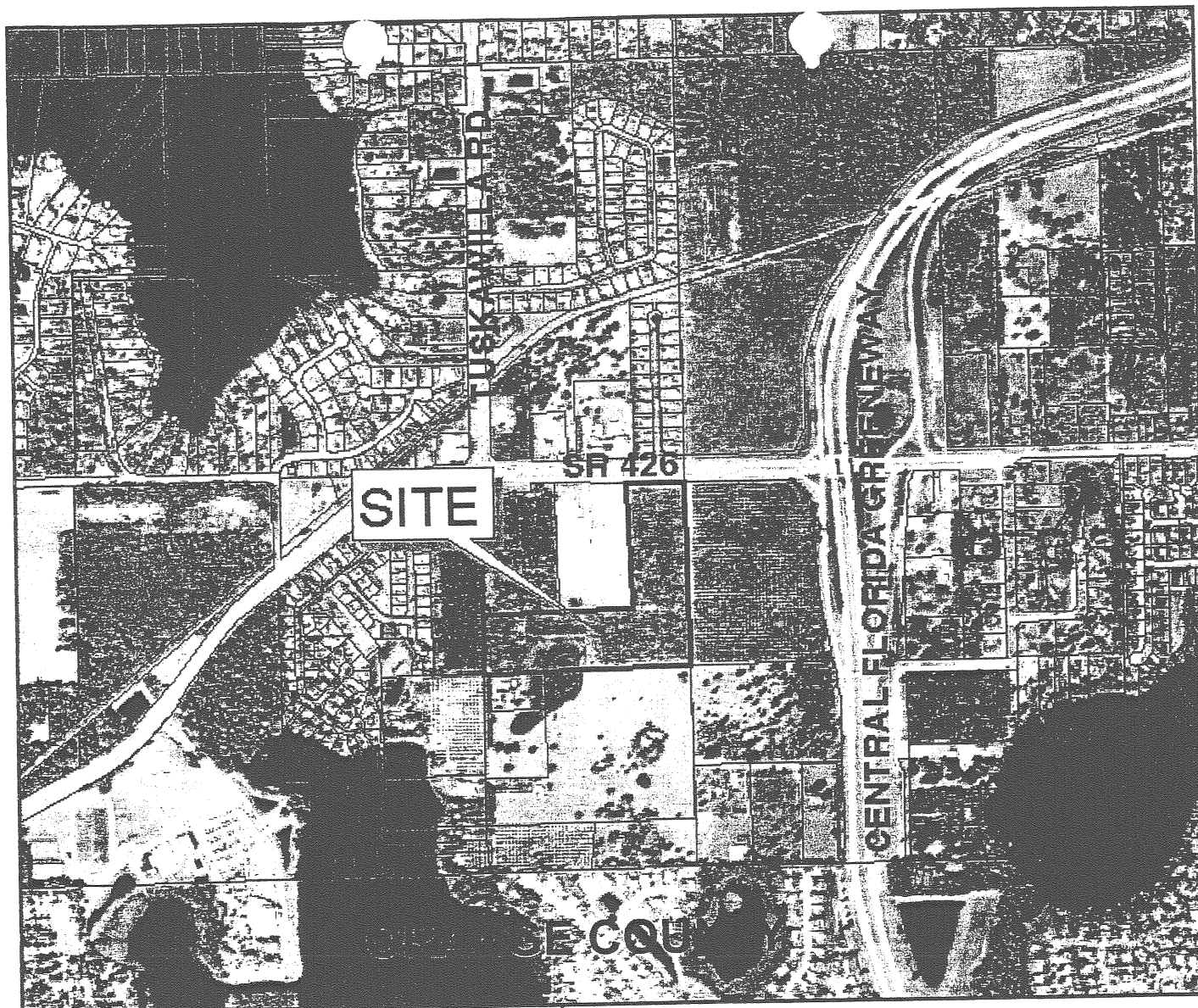
Applicant: Mr. Harvey Slayton & Ms. Susan S. Ireland  
 Physical STR: 36-21-30-300-0250-0000  
 Gross Acres: 18.66 BCC District: 1  
 Existing Use: Timberland  
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-008	A-1	PUD



### ZONING

A-1 
  R-1A 
  R-1AA 
  PUD 
  OP 
  PCD 
  R-1BB 
  R-3A 
  RC-1

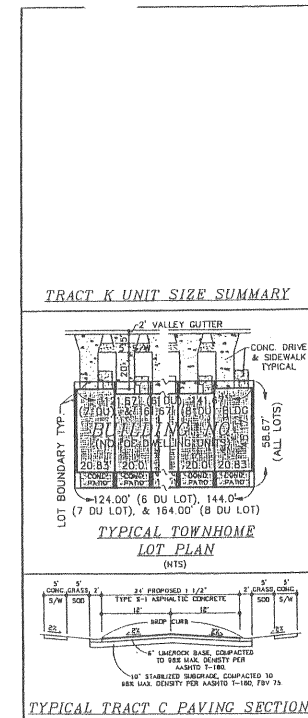


Rezone No. Z2002-008  
From: A-1 To: PUD

- ☐ Subject Property
- ☐ Parcelbase



February 1999 Color Aerials



**PROJECT DESCRIPTION:**

THE PROJECT SITE CURRENTLY IS A CITRUS GROVE WITH PLANTED TREES. IT CONTAINS NO IMPROVEMENTS OTHER THAN AN ORANGE GROVE AND A FIELD. THE PROPERTY WAS PREVIOUSLY COMPLETED AND USED FOR AGRICULTURAL PURPOSES. APPLICANT PROPOSES TO REZONE THE SITE TO PUD IN ORDER TO DEVELOP THE PROPERTY FOR MULTIPLE USES INCLUDING THE FOLLOWING: GENERAL COMMERCIAL, INCLUDING RETAIL, BUSINESS, PROFESSIONAL OFFICE, AND MULTI-FAMILY TOWNHOMES (CO-OWNERSHIP EQUIVALENT). COMMERCIAL USE FACILITIES MAY INCLUDE CARWASHES AND SERVICE TOWERS. APPLICANT PROPOSES TO REZONE THE PROPERTY TO PUD FOR (1) TRACT I AND (2) TRACT J. TRACT I AND J WILL BE COMMON AREA FACILITIES SUCH AS: JOINT ACCESS DRIVEWAY CONNECTION TO ALOMA AVENUE AND DEEP LAKE ROAD. ALL TRACTS WILL BEAR UTILITIES AND OFF SITE STORMWATER MANAGEMENT IMPROVEMENTS. A PROPERTY OWNERS ASSOCIATION WILL BE FORMED TO OPERATE AND MAINTAIN ALL COMMON AREA IMPROVEMENTS LOCATED WITHIN TRACTS K AND L. A DECLARATION OF REDESIGNATION AND RESERVATIONS WILL BE RECORDED TO ESTABLISH CROSS-ACCESS, UTILITY, DRAINAGE, AND STORMWATER MANAGEMENT EASEMENTS BETWEEN ALL TRACTS.

**1. AREA TO BE REZONED:** 18.44 ACRES

**2. EXISTING ZONING:** A-1, AGRICULTURAL

**3. PROPOSED ZONING:** PUD, PLANNED UNIT DEVELOPMENT

**4. LAND USE DESIGNATION:** UDF-11, HIGH DENSITY PLANNED DEVELOPMENT - TARGET INDUSTRIES

**5. TAX PARCEL NO.:** 36-19-100-030-000

**6. OWNER:** MR. HARVEY K. LAYTON AND HIS SUEAN E. LAYTON, POST OFFICE BOX 68111, OVERSEAS, FL 33193

**7. SURVEYOR:** ALLEN A. COMPANY, PROFESSIONAL SURVEYORS & MAPPERS, 11 EAST PLATE STREET, WINTER GARDEN, FL 32787

**8. ENGINEER:** DESIGN SERVICE GROUP, INC., 3614 SOUTH GRANT STREET, LONGWOOD, FL 32759

**9. SITE AREAS, PEAKING, AND LAND USES:**

TRACT	TRACT AREA	REDEVELOPMENT AREA	USE
1	1.84 ACRES	1.84 ACRES	COMMERCIAL (CO-OWNERSHIP EQUIVALENT)
2	1.84 ACRES	1.84 ACRES	COMMERCIAL AND/OR OFFICE (CO-OWNERSHIP EQUIVALENT)
3	1.84 ACRES	1.84 ACRES	OFF SITE COMMON AREA ENTRY FEATURE
4	1.84 ACRES	1.84 ACRES	DEEP LAKE ROAD RIGHT-OF-WAY
TOTALS	18.44 ACRES	18.44 ACRES	

**10. LAND USES:**

LAND USE	AREA	% OF SITE	INITIAL AREA	% OF SITE
A. TRACT I	1.84 ACRES	10.0%	1.84 ACRES	10.0%
B. TRACT J	1.84 ACRES	10.0%	1.84 ACRES	10.0%
C. TRACT K	1.84 ACRES	10.0%	1.84 ACRES	10.0%
D. TRACT L	1.84 ACRES	10.0%	1.84 ACRES	10.0%
E. TRACT M	1.84 ACRES	10.0%	1.84 ACRES	10.0%
F. TRACT N	1.84 ACRES	10.0%	1.84 ACRES	10.0%
G. TRACT O	1.84 ACRES	10.0%	1.84 ACRES	10.0%
H. TRACT P	1.84 ACRES	10.0%	1.84 ACRES	10.0%
I. TRACT Q	1.84 ACRES	10.0%	1.84 ACRES	10.0%
J. TRACT R	1.84 ACRES	10.0%	1.84 ACRES	10.0%
K. TRACT S	1.84 ACRES	10.0%	1.84 ACRES	10.0%
L. TRACT T	1.84 ACRES	10.0%	1.84 ACRES	10.0%
M. TRACT U	1.84 ACRES	10.0%	1.84 ACRES	10.0%
N. TRACT V	1.84 ACRES	10.0%	1.84 ACRES	10.0%
O. TRACT W	1.84 ACRES	10.0%	1.84 ACRES	10.0%
P. TRACT X	1.84 ACRES	10.0%	1.84 ACRES	10.0%
Q. TRACT Y	1.84 ACRES	10.0%	1.84 ACRES	10.0%
R. TRACT Z	1.84 ACRES	10.0%	1.84 ACRES	10.0%
S. TRACT AA	1.84 ACRES	10.0%	1.84 ACRES	10.0%
T. TRACT AB	1.84 ACRES	10.0%	1.84 ACRES	10.0%
U. TRACT AC	1.84 ACRES	10.0%	1.84 ACRES	10.0%
V. TRACT AD	1.84 ACRES	10.0%	1.84 ACRES	10.0%
W. TRACT AE	1.84 ACRES	10.0%	1.84 ACRES	10.0%
X. TRACT AF	1.84 ACRES	10.0%	1.84 ACRES	10.0%
Y. TRACT AG	1.84 ACRES	10.0%	1.84 ACRES	10.0%
Z. TRACT AH	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AA. TRACT AI	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AB. TRACT AJ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AC. TRACT AK	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AD. TRACT AL	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AE. TRACT AM	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AF. TRACT AN	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AG. TRACT AO	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AH. TRACT AP	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AI. TRACT AQ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AJ. TRACT AR	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AK. TRACT AS	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AL. TRACT AT	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AM. TRACT AU	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AN. TRACT AV	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AO. TRACT AW	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AP. TRACT AX	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AQ. TRACT AY	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AR. TRACT AZ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AS. TRACT BA	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AT. TRACT BB	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AU. TRACT BC	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AV. TRACT BD	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AW. TRACT BE	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AX. TRACT BF	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AY. TRACT BG	1.84 ACRES	10.0%	1.84 ACRES	10.0%
AZ. TRACT BH	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BA. TRACT BI	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BB. TRACT BJ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BC. TRACT BK	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BD. TRACT BL	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BE. TRACT BM	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BF. TRACT BN	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BG. TRACT BO	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BH. TRACT BP	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BI. TRACT BQ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BJ. TRACT BR	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BK. TRACT BS	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BL. TRACT BT	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BM. TRACT BU	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BN. TRACT BV	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BO. TRACT BW	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BP. TRACT BX	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BQ. TRACT BY	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BR. TRACT BZ	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BS. TRACT CA	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BT. TRACT CB	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BU. TRACT CC	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BV. TRACT CD	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BW. TRACT CE	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BX. TRACT CF	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BY. TRACT CG	1.84 ACRES	10.0%	1.84 ACRES	10.0%
BZ. TRACT CH	1.84 ACRES	10.0%	1.84 ACRES	10.0%



## DEEP LAKE PUD

REQUEST INFORMATION		
APPLICANT	Harvey Slayton and Susan S. Irelan	
PROPERTY OWNER	Harvey Slayton and Susan S. Irelan	
REQUEST	Major Modification to PUD Preliminary Master Plan	
HEARING DATE (S)	P&Z: July 16, 2003	BCC: August 12, 2003
SEC/TWP/RGE	36-21-30	
LOCATION	South of SR 426 and east of S. Tuskawilla Road	
FUTURE LAND USE	High Intensity Planned Development (HIP)	
FILE NUMBER	Z2002-008	
COMMISSION DISTRICT	District 1 (Maloy)	

### OVERVIEW

**Zoning Request:** The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002. This project is located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves an increase in residential density, a slight reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east, in fulfillment of the Board's wishes as expressed at the April 2002 hearing.

The applicant is proposing a substantial revision to the Preliminary Master Plan approved for Deep Lake PUD last year. The plan approved at that time consisted of three lots for commercial and/or office use, totaling approximately 4.4 acres, and a fourth lot for townhouse development. On this lot, the preliminary plan submitted for review illustrated 65 residential units on 11 acres, for an overall density of 8.2 units per net buildable acre.

The present proposal consists of 129 dwelling units on 14 acres at a density of 12.4 units per net buildable acre. This is a slightly lower density than that of the adjoining Trinity Retail Center site, now known as Ashford Park. There will be minimal off-street parking, as each unit will include a garage.

All units will have 3 bedrooms and 2.5 baths, and will range in size from 1,303 to 1,495 square feet of living area. The applicant has supplied the following additional information:

- Base price of the units will range from \$116,000 to \$130,000
- All units will include a 1 car, front entry garage
- All buildings will have an exterior finish of stucco and earth toned paints
- Front walls will be staggered to create architectural relief
- All buildings will be landscaped by the developer and maintained by a homeowners' association.

Of major importance in this revision is the presence of a shared access road with the Clayton property adjoining to the east. An agreement has been reached between the applicants and the neighboring property owner to provide joint access and utilities for use of both Deep Lake and future projects on the Clayton land. This access will also serve the approved South Tuskawilla Road development immediately south of Deep Lake, and will benefit additional properties to the south of that. The BCC had expressed a strong concern that development south of 426 in this area should make use of an FDOT-approved future intersection to be located on the Clayton property, in order to ensure safety and efficient traffic flow.

Additional changes to Deep Lake, as compared with the original approval, include a reduction in dwelling unit size and removal of several landscaped retention areas. Commercial and office uses have been reduced from 4.41 acres in the original to 3.92 acres in the new proposal. General use facilities to be provided within open space areas now include a tot lot, pool, cabana, and tennis court. Also, a "passive recreation area" with bench seating will now be provided.

Retention for the site is now proposed to be located on the South Tuskawilla project to the south. This is allowable with appropriate easements and agreements tying the two developments together for stormwater management purposes.

This application is the third request to amend the PUD. The following table compares the current proposal with the original approval and the two subsequent proposals considered in the fall of 2002:

	<b>Approved Preliminary MasterPlan</b>	<b>Proposed Revision 9/02</b>	<b>Proposed Revision 11/02</b>	<b>Proposed Revision 5/03</b>
Number of townhouse units	65	180	133	129
Residential density (gross)	5.9 units/acre	13 units/acre	9.5 units/acre	9.2 units/acre
Residential density (net)	8.2 units/acre*	17.0 units/acre	12.7 units/acre	12.4 units/acre
Typical townhouse lot size	30' x 78'	18.5' x 53'	20' x 52'	20' x 59'
Residential Parking	individual garages	common parking lots	individual garages	individual garages
Commercial/office property	4.41 acres	3.15 acres	3.92 acres	3.92 acres
Recreational facilities	tennis court, pool	"sport court"	tennis court, tot lot, pool, passive recreation area	tennis court, tot lot, pool, passive recreation area
Retention facilities	landscaped retention areas	off-site retention	off-site retention	off-site retention
Setbacks/buffers	no change		no reduction, additional 20' on south buffer adjacent to Saliga property	

\*estimate

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	Existing Zoning	Future Land Use
North	PUD, PCD, R-1AA	Higher Intensity Planned Development and Low Density Residential
South	PUD	Low Density Residential
East	A-1	Higher Intensity Planned Development
West	PUD, PCD	Higher Intensity Planned Development

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.
3. Water and sewer service are being provided by Seminole County.

**Compliance with Environmental Regulations:** The project must comply with the requirements of the W-1 Wetlands Overlay District. An undisturbed wetland buffer averaging 25' and not less than 15' is required landward of the wetland limits.

**Compatibility with surrounding development:** Currently, the surrounding properties have Low Density Residential and Higher Intensity Planned Development land use designations. The approved Planned Unit Development, together with proposed changes, is compatible with adjacent land use designations.

## **STAFF RECOMMENDATION**

Staff supports the proposed access plan involving shared access with the Clayton property at the approved future intersection. The revisions being proposed at this time are consistent with the future land use designation of the Vision 2020 Plan, and compatible with surrounding land uses. Subject to compliance with Code requirements related to open space, drainage and other development standards, the proposed alterations to the Preliminary Master Plan are reasonable and appropriate to the area.

Staff recommends APPROVAL of the requested modifications to the Preliminary Master Plan, subject to the following:



1. The developer must maintain an agreement with the property owner to the east (Greenway Center South) regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:
  - a. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
  - b. Aligning the joint access road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
  - c. Specifying driveway locations along the joint access road for development on both sides.
2. Residential density shall not exceed 12.4 units per net buildable acre, as defined in the Seminole County Land Development Code.
3. Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.
4. There shall be a 60-foot setback provided adjacent to Mr. Saliga's property to the south, with a 6-foot masonry wall along the common property line.
5. The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
6. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
7. The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
8. Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
9. Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.
10. Tract K is approved for townhouse use, customary accessory uses, and recreation and open space amenities located in common areas of the development site.
11. The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.
12. A landscape buffer shall be provided as follows between Tract J and Tract K:
  - a. The width of the buffer shall be 10 feet on Tract J and 16 feet on Tract K.
  - b. A 6-foot brick or masonry wall shall be provided along the common property line.
  - c. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear feet.

## **SEMINOLE COUNTY AMENDED DEVELOPMENT ORDER**

On August 12, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

### **LEGAL DESCRIPTION ATTACHED AS EXHIBIT A**

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owners:** SUSAN S. IRELAN, PO BOX 620514, OVIEDO, FL, 32762  
HARVEY SLAYTON, PO BOX 620514, OVIEDO, FL 32762

**Project Name:** DEEP LAKE PUD

**Requested Development Approval:** MAJOR REVISION TO PUD PRELIMINARY MASTER PLAN

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:

Jeff Hopper  
1101 East First Street  
Sanford, Florida 32771

## Order

### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for a major revision to the Deep Lake PUD Preliminary Master Plan is **GRANTED**.

(2) The Deep Lake PUD Preliminary Master Plan is hereby amended as follows:

- (A) The developer must execute an agreement with the property owner of Greenway Center South regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:
  - 1. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
  - 2. Aligning the joint access road with the proposed driveway for Greenway Center North.
  - 3. Specifying driveway locations along the joint access road for development on both sides.
- (B) Residential density shall not exceed 12.4 units per net buildable acre, as defined in the Seminole County Land Development Code.
- (C) Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.
- (D) There shall be a 60-foot setback and a 6-foot masonry wall provided along the common property line with the following described parcel:

SEC 36 TWP 21S RGE 30E W 375 FT OF N 250 FT OF SE 1/4 OF SE 1/4

- (E) The county's open space requirements shall be met in regard to both the PUD as a whole and as to individual lots. In this regard, each lot must satisfy open space requirements within its boundaries.
- (F) Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
- (G) The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
- (H) Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
- (I) Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, and adult entertainment establishments.
- (J) Tract K is approved for townhouse use, customary accessory uses, and installation of recreational and open space amenities.
- (K) The Owner shall provide recreational amenities as shown on the Deep Lake Preliminary PUD Master Plan.

- (L) A landscape buffer shall be provided as follows between Tract J and Tract K:
1. The width of the buffer shall be 10 feet on Tract J and 16 feet on Tract K.
  2. A 6-foot brick or masonry wall shall be provided along the common property line between Tract J and Tract K.
  3. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear feet.

(3) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(4) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first above.**

By: \_\_\_\_\_  
Daryl G. McLain, Chairman  
Board of County Commissioners

**Order****OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Susan Irelan, the owner of the aforescribed property in this Development Order, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
SUSAN S. IRELAN

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

STATE OF FLORIDA     )

COUNTY OF SEMINOLE    )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Susan S. Irelan who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**Order****OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Harvey Slayton, the owner of the aforescribed property in this Development Order, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

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 Witness

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 HARVEY SLAYTON

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 Print Name

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 Witness

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 Print Name

STATE OF FLORIDA     )

COUNTY OF SEMINOLE     )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Harvey Slayton who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



## EXHIBIT A

### LEGAL DESCRIPTION

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:

The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards ( 466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.